

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Rogers et al.

Application No. 10/533,412

Filed: April 29, 2005

Confirmation No. 9052

**FILED VIA EFS ON
APRIL 2, 2007**

For: HEAT PASTURIZED LIQUIDS
CONTAINING GLUCOSAMINE

Examiner: Shengjun Wang

Art Unit: 1617

Attorney Reference No. 6682-66958-04

SUBMITTED VIA ELECTRONIC FILING SYSTEM
UNITED STATES PATENT AND TRADEMARK OFFICE

SECOND REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

An error appears in the official Corrected Filing Receipt dated March 23, 2007 for the above-identified patent application, as follows:

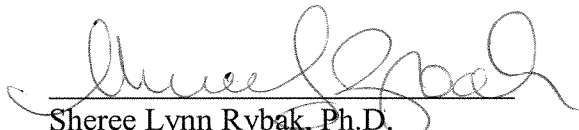
1. The Domestic Priority data as claimed by applicants should be amended as follows:

This application is a 371 of PCT/US03/34844 filed 10/31/2003,
which claims benefit of 60/423,119 filed 11/01/2002,
and is a CIP of 10/685,125 filed 10/13/2003,
which is a CIP of 10/326,549 filed 12/19/2002, PAT 7,049,433,
which is a continuation of 09/785,695 filed 02/16/2001 (abandoned),
and which claims benefit of PCT/US02/04468 filed 02/15/2002.

Attached is a copy of the official Corrected Filing Receipt (Exhibit A) with the requested correction shown thereon. Also attached are copies of the Preliminary Amendment (Exhibit B) and the Combined Declaration and Power of Attorney (Exhibit C) that were submitted to the Patent Office on April 29, 2005, both of which have the correct priority data listed.

Please correct the identified errors and issue another corrected official Filing Receipt.

Please call the undersigned if any further information is required.


Sheree Lynn Rybak, Ph.D.
Registration No. 47,913

April 2, 2007
Date

cc: Docketing



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/533,412	04/29/2005	1617	1000	6682-66958-04	17	5

CONFIRMATION NO. 9052

CORRECTED FILING RECEIPT

46395
CARGILL, INCORPORATED
LAW DEPARTMENT
P. O. BOX 5624
MINNEAPOLIS, MN55440-5624

Date Mailed: 03/23/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Brent Daniel Rogers, Ottumwa, IA;
Lawrence E. Fosdick, Oskaloosa, IA;
John A. Bohlmann, Ottumwa, IA;

Power of Attorney: The patent practitioners associated with Customer Number 46395

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/34844 10/31/2003
which claims benefit of 60/423,119 11/01/2002
and is a CIP of 10/685,125 10/13/2003
which is a CIP of 10/326,549 12/19/2002 PAT 7,049,433
which is a CON of 09/785,695 02/16/2001 ABN

Foreign Applications

and which claims benefit of PCT/US02/04468 filed 02/15/2002.

If Required, Foreign Filing License Granted: 03/23/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US10/533,412

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Heat pasturized liquids containing glucosamine

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under

37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Brent Daniel Rogers, Lawrence E. Fosdick,
and John A. Bohlmann

Application No. Currently unknown

Filed: Herewith

Confirmation No. Currently unknown

For: HEAT PASTURIZED LIQUIDS CONTAINING
GLUCOSAMINE

Examiner: Not yet assigned

Art Unit: Not yet assigned

Attorney Reference No. 6682-66958-04

MAIL STOP PCT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

PRELIMINARY AMENDMENT

Prior to examination of the above-identified patent application, please amend the application as follows to comply with national stage requirements.

Amendments to the Specification begin on page 2.


Amendments to the Claims begin on page 3.

Remarks begin on page 6.

An **Abstract** is attached as a separate page at the end of this document.

Amendments to the Specification

Please replace the paragraph beginning at page 1, line 4, with the following rewritten paragraph:



This is the U.S. National Stage of International Application No. PCT/US03/34844, filed October 31, 2003 (published in English under PCT Article 21(2)), which in turn ~~This application~~ claims the benefit of U.S. Provisional Application No. 60/423,119, filed November 1, 2002, and is a continuation-in-part of U.S. Patent Application No. 10/685,125 filed October 13, 2003, which is a continuation-in-part of copending U.S. Patent Application No. 10/326,549, filed December 19, 2002, which is a continuation of U.S. Patent Application No. 09/785,695, filed February 16, 2001, and which claims priority from PCT Application No. PCT/US02/04468, filed February 15, 2002, each of which is incorporated herein by reference.

Please insert the Abstract, submitted herewith on a separate page, as page 26 at the end of the application.

Claims

1. (Original) A method for making a beverage comprising:
 providing a beverage;
 providing an amount of glucosamine (GLCN);
 mixing the beverage and the GLCN, thereby forming a GLCN beverage; and
 heat-pasteurizing the GLCN beverage at a high temperature for a time sufficient
to reduce colony forming units (cfu) by at least about 50%.
2. (Original) The method of claim 1, wherein heat-pasteurizing the GLCN beverage
comprises heating the GLCN beverage to at least about 160°F.
3. (Original) The method of claim 1, wherein heat-pasteurizing the GLCN beverage
comprises heating the GLCN beverage to at least about 200°F.
4. (Original) The method of claim 1, wherein heat-pasteurizing the GLCN beverage
comprises heating the GLCN beverage to a temperature in a range of from about 160°F to about
300°F.
5. (Original) The method of claim 1, wherein the GLCN beverage is heat-pasteurized for
a time period from about 1 second to about 5 minutes.
6. (Original) The method of claim 1, wherein the amount of GLCN added to the
beverage is at least about 0.1 g GLCN per serving
7. (Original) The method of claim 6, wherein the amount of GLCN added to the
beverage is at least about 0.25 g GLCN per serving.
8. (Original) A method for making a beverage comprising:
 providing a beverage;

providing a first amount of GLCN;
mixing the beverage and the GLCN, thereby forming a GLCN beverage; and
heat-pasteurizing the GLCN-beverage, wherein the amount of GLCN in the
GLCN beverage prior to heat-pasteurizing is substantially similar to a second amount of
GLCN in the GLCN beverage after heat-pasteurizing.

9. (Original) The method of claim 8, wherein the second amount of GLCN in the GLCN
beverage after heat-pasteurizing is at least about 80% of the first amount of GLCN in the GLCN
beverage prior to heat-pasteurizing.

10. (Currently amended) The method of ~~any of claims claim 1 to 9~~, wherein the GLCN is
derived from a fungal biomass containing chitin.

11. (Currently amended) A beverage made by the method of ~~any of claims claim 1 to 11~~.

12. (Original) A beverage comprising:
at least about 0.01 g per serving of GLCN; and
at least about 0.0001 wt. % levulinic acid.

13. (Original) A beverage comprising:
at least about 0.01 g per serving of GLCN; and
at least about 0.0001 wt. % melanoidins.

14. (Original) The beverage of claim 13, wherein the beverage does not contain shellfish
proteins.

15. (Original) A beverage comprising:
at least about 0.01 g per serving of GLCN;

at least about 0.0001 wt. % levulinic acid and/or at least about 0.0001 wt. %
melanoidins; and

wherein the beverage is at least about 160°F.

16. (Currently amended) The beverage of ~~any of claims~~ claim 13 to 15, wherein the
beverage comprises at least about 0.25 g GLCN per serving.

17. (New) The beverage of claim 15, wherein the beverage comprises at least about
0.25 g GLCN per serving.

Remarks

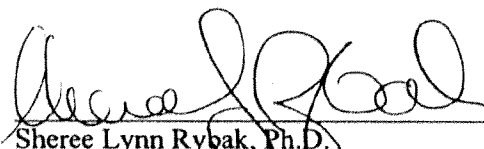
Claims 1-16 were pending. By this amendment, claims 10, 11, and 16 are amended to remove the multiple dependency. Claim 17 was added due to the amendment to claim 16. No claims were cancelled. Therefore, claims 1-17 are now pending.

By this amendment the specification has been updated to reflect prior related applications, and to insert the abstract on a separate page.

No new matter has been added by this amendment.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By 
Sheree Lynn Rybak, Ph.D.
Registration No. 47,913

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled HEAT PASTURIZED LIQUIDS CONTAINING GLUCOSAMINE, the specification of which

- ☐ is attached hereto.
- ☐ was filed on _____ as United States Patent Application No. _____.
- ☒ was described and claimed in PCT International Application No. PCT/US03/34844, filed on 31 October 2003, and as amended under PCT Articles 19 on _____ (if applicable).
- ☐ and was amended on _____ (if applicable).
- ☐ with amendments through _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56. If this is a continuation-in-part application filed under the conditions specified in 35 U.S.C. § 120 which discloses claims and subject matter in addition to that disclosed in the prior copending application, I further acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.


I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Number	Country	Day/Month/Year Filed	Claim Priority?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Filing Date
60/423,119	01 November 2002

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365(c) of any PCT international application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:



Application Number	Filing Date	Status: patented, pending, abandoned
10/685,125	13 October 2003	Pending
10/326,549	19 December 2002	Pending
09/785,695	16 February 2001	Abandoned
PCT/US02/04468	15 February 2002	Completed

I hereby appoint the practitioners associated with the customer number provided below to prosecute this application, to file a corresponding international application, and to transact all business in the Patent and Trademark Office connected therewith:

Customer Number 46395

I hereby grant the law firm of Klarquist Sparkman, LLP, the power to insert on this Combined Declaration and Power of Attorney any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for submitting this document.

Address all telephone calls to Paula A. DeGrandis at telephone number (952) 742-5402.

Address all correspondence to the address associated with **Customer Number 46395**, which address is:

Cargill, Incorporated
15407 McGinty Road West
Wayzata, Minnesota 55391
U.S.A.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

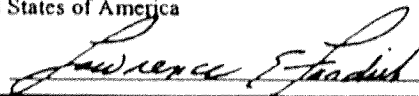
Name of First or Sole Inventor:	Brent Daniel Rogers
Residence:	Ottumwa, Iowa
Mailing Address:	Cargill Acidulants, R&D One Cargill Drive Eddyville, IA 52553
Citizenship:	United States of America
Inventor's Signature	<u>Brent Daniel Rogers</u>
Date	<u>4/18/05</u>

→ **Name of Second Inventor:** Lawrence E. Fosdick

Residence: Oskaloosa, Iowa

Mailing Address: 609 21st Avenue West
Oskaloosa, Iowa 52577

Citizenship: United States of America

Inventor's Signature 


Date 4/21/2005

Name of Third Inventor: John A. Bohlmann

Residence: Ottumwa, Iowa

Mailing Address: 472 East Rochester
Ottumwa, Iowa 52501

Citizenship: United States of America

Inventor's Signature 

Date 26 April 05